

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT WITHIN AND
FOR CROOK COUNTY, WYOMING

RICHARD NELSON,

) Case No.: 8671

Plaintiff,

vs.

FIRST AMERICAN TITLE, INC.,

Serve: Corporation Service Co.

1821 Logan Ave.

Cheyenne, WY 82001,

Defendant.

FILED
CROOK COUNTY

MAY 23 2019

CHRISTINA R. WOOD
CLERK OF THE DISTRICT COURT
BY

COMPLAINT

COMES NOW the Plaintiff, Richard Nelson, and for his Complaint against
Defendant, First American Title, Inc., states:

1. Plaintiff is a resident of the State of Iowa.
2. Defendant is a duly incorporated entity doing business in the State of Wyoming and may be served by its registered agent: Corporation Service Company, 1821 Logan Ave, Cheyenne, WY 82001.
3. This cause of action arose in Crook County, Wyoming.
4. From 1978 until 2017, Plaintiff was the declared the fee simple owner pursuant to a Warranty Deed and title insurance issued by the Defendant of the following described real property located in Crook County, Wyoming:

See Exhibit A

5. Plaintiff paid for and the Defendant accepted Plaintiff's payment for Defendant's title insurance policy and coverage of said real property described in the previous paragraph.

6. In 2012, suit was initiated by the State of Wyoming challenging Plaintiff's fee simple ownership of said real property in Crook County, Wyoming District Court Case Number 8222.

7. At the time of the initiation of said litigation by the State of Wyoming, Plaintiff informed the Defendant of this matter by and through its local agent, Linda Foster.

8. Defendant thereafter failed to provide a defense to Plaintiff in said cause of action. Subsequently, judgment was entered against the Plaintiff ejecting the Plaintiff from the described real property. Consequently, a second suit was initiated by Plaintiff's tenant seeking damages against Plaintiff as a result of the tenant's improvements he made to the premises. That suit was initiated in Crook County, Wyoming District Court, Number 8146. Again, the Plaintiff notified Defendant by and through its local agent, Ms. Foster, of this litigation. The Defendant thereafter failed to provide a defense to the Plaintiff in that matter and denied that Plaintiff had such coverage.

9. As a result of Crook County District Court Case Number 8146, judgment was entered against the Plaintiff, the real property described herein was seized pursuant to execution and the real property was sold at public auction to satisfy the judgment.

10. As a result of the Defendant's actions as described, Plaintiff was directly and proximately damaged in an amount exceeding \$270,000.00.

11. Throughout the times described herein and to the date of this Complaint, the Defendant and its agents have continued to avoid, deny and frustrate Plaintiff's efforts to confirm coverage provided by Defendant, to provide a defense to Plaintiff and to reimburse Plaintiff for his losses incurred as a result of the prior litigation as described.

12. Plaintiff is therefore entitled to judgment against the Defendant.

WHEREFORE, Plaintiff prays judgment against the Defendant in an amount which is reasonable, for costs to be assessed against the Defendant and for such other and further orders as the Court deems just and proper.

DATED this 30th day of April, 2019.


Richard Nelson, Plaintiff

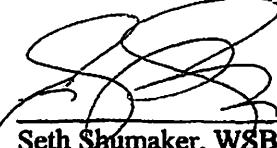
STATE OF IOWA)
)
COUNTY OF Hardin) ss.

Before me, a Notary Public, appeared Richard Nelson, to me known to be the Plaintiff in the foregoing matter and who, on this 2nd day of May, 2019, after being duly sworn, states the averments contained herein are true and correct to his best knowledge and belief at this time.



My commission expires:


Anna Kielmeier
Notary Public


Seth Shumaker, WSB 6-3818
2 N. Main, Ste. 103

Sheridan, WY 82801
307/675-1233
307/675-1235 (fax)
sheridanwyolaw@gmail.com
Attorney for Plaintiff

EXHIBIT A

A tract of land lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 53 North, Range 65 West of the Sixth Principal Meridian, Crook County, Wyoming. Said tract of land being more particularly described as follows.

Beginning at a 2 $\frac{1}{2}$ " aluminum cap stamped PE&LS 2395 and marking the West 1/16 corner between said Section 17 and Section 8, Township 53 North, Range 65 West, which bears N 87°49'29" E, 1336.00 feet along the North line of said Section 17 from a 2 $\frac{1}{2}$ " aluminum cap stamped PE&LS 2395 marking the Northwest corner of said Section 17, the Basis of Bearing for this description.

Thence S 00°27'47" W, 816.65 feet along the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to a 1 $\frac{1}{2}$ " aluminum cap stamped D35 and PE&LS 2395 marking the True Point of Beginning;

Thence S 00°27'47" W, 438.20 feet along the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point of intersection with the northern right of way of Wyoming State Highway #24;

Thence N 47°43'30" E, 296.74 feet along said right of way to a 1 $\frac{1}{2}$ " aluminum cap stamped D34 and PE&LS 2395;

Thence N 42°09'37" W, 321.84 feet to the True Point of Beginning.

Said tract of land encompasses 1.10 acres more or less.